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FILED

2003 AUG -8 PM 6:32

CLERK
US BANKRUPTCY COURT
DISTRICT OF DELAWARE

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:)	Chapter 11
)	
W.R. GRACE & CO., <u>et al</u>)	Case No. 01-01139 (JKF)
)	(Jointly Administered)
Debtors.)	
)	Claim No. 00009662
)	
)	

**RESPONSE TO DEBTORS' SECOND OMNIBUS
OBJECTION TO CLAIMS (NON-SUBSTANTIVE)**

On behalf of claimant, Arnold Lehnert (Claim No. 00009662), his attorney, Tom L. Lewis of Lewis & Slovak, P.C., objects to Debtors' Second Omnibus Objection to Claims (Non-Substantive), dated July 21, 2003, and received August 7, 2003, on the basis of improper notice and further responds as follows:

1. Claimant's claim is with respect to asbestos contamination from a Grace product in or on the property.
2. Claimant's claim is based upon the findings of the U.S. Environmental Protection Agency in its Administrative Record and supplement, test results, and other documentation, as well as information obtained from other sources, including but not limited to local and national news reports, articles and meetings.
3. Claimant consented to the production and release of supporting documentation, in the possession of the U.S. Environmental Protection Agency, to Grace and Grace's representatives at the time of submission of claim in March, 2003.
4. Claimant has attached supporting documentation, which was not available at the time the proof of claim was filed.

**RESPONSE TO DEBTORS' SECOND OMNIBUS
OBJECTION TO CLAIMS (NON-SUBSTANTIVE) - 1**


P.13/23 1 406 452 3297

GAIGNON'S

AUG-08-2003 13:52

Respectfully submitted this 8th day of August, 2003.

Lewis & Slovak, P.C.

By: 

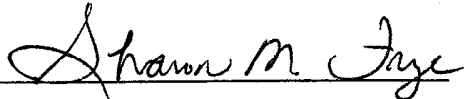
Tom L. Lewis
P.O. Box 2325
Great Falls, MT 59403
(Attorneys for Claimant)

CERTIFICATE OF SERVICE

I hereby certify that a true and legible copy of the foregoing Response to Debtors' Second Omnibus Objection to Claims (Non-Substantive) was served on the 8th day of August, 2003, by fax and by first class mail, upon the following:

James W. Kapp III, Janet S. Baer and Christian J. Lane
Kirkland & Ellis, LLP
200 East Randolph Drive
Chicago, IL 60601

Scott E. McFarland
Pachulski, Stang, Ziehl, Young, Jones & Weintraub, P.C.
919 North Market Street 16th Floor
Wilmington, DE 19801



Shawn M. Faye

D- 001026

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
 REGION 8
 999 18TH STREET, SUITE 300
 DENVER, CO 80202

CONSENT FOR ENTRY AND ACCESS TO PROPERTY

Name:

Shirley Lehnert

Address:

Phone:

293-524

Address of Property for which consent for entry and access is being

420 Indian Head Rd

Relationship to property:

Owner

(i.e., owner, tenant, etc.)

I, the undersigned, am the owner, their representative, or otherwise control the real property at the location described above. The Environmental Protection Agency (EPA) has requested entry and access to my property pursuant to its response and enforcement responsibilities under the Comprehensive Environmental Response, Compensation and Liability Act as amended (Superfund), 42 U.S.C. 9601 et seq.

I consent to officers, employees, and authorized representatives of the EPA, including their authorized contractors, entering and having continued access to my property for the following purposes:

1. Visually inspecting the property, including the interior and exterior of any home or any other structures on the property;
2. the taking of such soil, bulk, or dust samples as may be determined to be necessary;
3. the taking of actions to mark or temporarily cover exposed vermiculite.

This written permission is given by me voluntarily with knowledge of my right to refuse and without threats or promises of any kind. I certify that this Consent for Entry and Access is entered into voluntarily and constitutes an unconditional consent and grant of permission for access to the property by officers, employees, and authorized representatives of EPA at reasonable times.

Date

7-17-02

Signature

Shirley Lehnert

COPY

BD-001026

LIBBY ASBESTOS PROJECT
Contaminant Screening Study
Primary Structure and Property Assessment Information Field Form

Field Logbook No.: 606078 Page No.: 97 Site Visit Date: 7-17-02
 Address: 420 Italian Head Rd Structure Description: House / Dry care
 Occupant: Skiley Lehnert 807/18102 Phone Number: 293-5224
 Owner (if different than occupant): Same Phone Number: Same
 Sampling Team: Mike Coffey and Regina Clifford
 Field Form Check Completed by (100% of forms): Regina Clifford
 Screening Field Check Completed by (2% of forms): Regina Clifford

Data Item	Value	Notes
HOUSE ATTRIBUTES		
Property Description	<input checked="" type="radio"/> Residential <input type="radio"/> Industrial <input type="radio"/> Commercial	
Surrounding Land Use	<input checked="" type="radio"/> Residential <input type="radio"/> Industrial <input type="radio"/> Commercial <input type="radio"/> School <input type="radio"/> Mining Other: _____	<u>Also Dry care</u>
Year of Construction	<u>1963</u> <input type="radio"/> Unknown	
Square Footage	<u>1800</u>	
Construction Material	<input checked="" type="radio"/> Wood frame <input type="radio"/> Masonry/Stone Other: _____	
Number of Floors Above Ground	<u>1</u> <input type="radio"/> 2 <input type="radio"/> 3 Other: _____	
Number of Rooms Per Floor Above Ground	1: <u>9</u> 2: _____ 3: _____ Other: _____	
Basement	<input checked="" type="radio"/> Yes <input type="radio"/> No	
Heating Source	Wood/Coal <input checked="" type="radio"/> Electric <input type="radio"/> Propane/Gas Other: _____	
Heat Distribution	<input checked="" type="radio"/> Forced air <input type="radio"/> Radiant Other: _____	

CSS INFORMATION FIELD FORM (continued)

Address: 420 Indian Head RdBD# 601026

Data Item	Value	Notes
OCCUPANT INFORMATION		
Number of Adults/Employees	0 1 <u>2</u> 3 4 5-15 16-20 21-30 >30	
Number of Children	<u>0</u> 1 2 3 4 Other: _____	
Years at Location	<1 1-5 5-10 10-15 <u>>15</u>	
Was the residence/building remodeled?	<u>Yes</u> No	
	If yes,	
	When (years): <2 2-5 <u>>5</u>	
	Where: Attic <u>Living Areas</u> Garage Basement Other: _____	
Has resident/business purchased any Libby vermiculite materials from W.R. Grace in the past?	Yes <u>No</u>	<u>Not purchased, but given</u>
Has the property at this location been used for a for-profit enterprise of distributing, treating, storing, or disposing of Libby vermiculite?	Yes <u>No</u>	
Are there any known areas of exposed vermiculite?	Yes <u>No</u>	
	If yes,	
	Where: Ceiling Walls Floors Attic	
	Other: _____	

CSS INFORMATION FIELD FORM (continued)

Address: 420 Indian Head RdBD# 001026

Data Item	Value	Notes
INDOOR ASSESSMENT		
Vermiculite Insulation Past or Present	Attic: Yes No NA <u>Unknown</u> Walls: Yes No NA <u>Unknown</u> Basement: Yes <u>No</u> NA Unknown Crawl Space: Yes No <u>NA</u> Unknown Other: _____	Visual confirmation of current presence or absence required for attic. <u>Attic filled with cellulose but could not verify if vermiculite absent or not. Could not access roof of garage</u>
Evidence of Physical Damage?	Yes <u>No</u>	
Evidence of Water Damage?	Yes <u>No</u>	
OUTDOOR ASSESSMENT		
Libby Amphibole Sources Present	Garden: <u>Yes</u> No NA Yard: <u>Yes</u> No NA Stockpiles: Yes No <u>NA</u> Other: _____	<u>Former go. down plotter patches in yard</u>
Proximity to Other Properties with Potential Sources of Libby Amphiboles	Next door Within same block Other: _____ <u>Unknown</u>	

CSS INFORMATION FIELD FORM (continued)

Address: 420 Indr. Head RdBD# 001026

Data Item	Value	Notes
EXPOSURE ASSESSMENT		
Type and Frequency of Activity Near Vermiculite Material - Indoor	Frequency: Once a day Once a week Once a month Once a year <u>Not Applicable</u>	Not Applicable applies when no vermiculite is present on the property.
	Duration of Contact: <1 hour 1-2 hours 2-4 hours ~4 hours <u>Not Applicable</u>	
	Extent of Contact: Heavy Moderate Light <u>Not Applicable</u>	
Type and Frequency of Activity Near Vermiculite Material - Outdoor	Frequency: <u>Once a day</u> Once a week Once a month Once a year Not Applicable	Not Applicable applies when no vermiculite is present on the property. <i>Garden is overgrown with grass</i>
	Duration of Contact: <1 hour 1-2 hours 2-4 hours <u>>4 hours</u> Not Applicable	
	Extent of Contact: Heavy Moderate <u>Light</u> Not Applicable	

CSS INFORMATION FIELD FORM (continued)

Address: 420 I-80 Hwy Head RdBD# 001026

Data Item	Value	Notes
CONTAMINANT SCREENING STUDY ASSESSMENT		
Occupant Information		
Is there any knowledge of former miners, close relative of miners, or any highly exposed persons living or visiting the property?	Yes <input type="radio"/> No <input checked="" type="radio"/> Unknown	Husband was salesman visiting mine frequently
Is the resident, past or present, diagnosed with an asbestos related disease?	Yes <input checked="" type="radio"/> No <input type="radio"/> Unknown	has been
Indoor Information		
Does the interior have Zonolite attic insulation?	Yes <input type="radio"/> No <input checked="" type="radio"/> Unknown <input checked="" type="radio"/>	Attic only partially accessible has cellulosic insulation but we could not determine if it is Zonolite or not. NA applies if attic currently has ZAI.
Did the interior ever have Zonolite attic insulation?	Yes <input type="radio"/> No <input checked="" type="radio"/> Unknown <input checked="" type="radio"/>	NA
Are there vermiculite additives in any of the building materials?	Yes <input type="radio"/> No <input checked="" type="radio"/> Unknown	
Outdoor Information		
Is there any evidence of primary source materials at or near the property?	Yes <input checked="" type="radio"/> No <input type="radio"/> Unknown	in old g.c. day plates patches in yard
Could this have been tracked indoors or otherwise spread outdoors on the property?	Yes <input type="radio"/> No <input type="radio"/> Unknown <input checked="" type="radio"/>	
Overall Assessment		
Are primary source materials present at the property?	Yes <input checked="" type="radio"/> No <input type="radio"/>	
Where are primary source materials located?	Inside <input type="radio"/> Outside <input checked="" type="radio"/> Both <input type="radio"/> NA	
ADDITIONAL INFORMATION		

CSS INFORMATION FIELD FORM (continued)

Address: 420 Indian Head Rd

BD# 001026

Floor of House (circle): First Second Third Basement

Include approximate dimensions of rooms and floor covering type. Use more than one diagram if needed. Completed only if ZAI is present.

Scale: 1/10" = 1 foot

Lehnert, Shirley

BO-001020⁹⁷

Location 420 Italian Head Rd Date 07-17-03

Project / Client Libby Asbestos / EPA NURE

1100 Arrived at residence. Residence used as a daycare. Owner signed consent form. Residence has single level and a basement. Detached Garage. House remodeled and an add-on. Owner indicated vermiculite was given to them however doesn't know of area where it is exposed. Former garden east of garage area. Fiberglass insulation in walls as seen in basement. No insulation in ceiling of basement. Garage built in 1988; no access to utility of garage. Owner indicates fiberglass vermiculite noted in back yard and flower beds and former garden. No vermiculite observed in interior living space. Completed IFF task photo.

EC 07-17-03